



# The Corporation of the Town of Milton

---

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: November 4, 2024

Report No: DS-072-24

Subject: Hydro One Corridor Land Acquisition for the Halton Business Community - East Subdivision (24T-21007/M)

**Recommendation:** THAT staff Report DS-072-24 outlining the required land acquisition to facilitate the development of the Halton Business Community - East Subdivision, **BE APPROVED**;

**AND THAT** the Commissioner, Development Services, in consultation with Legal Counsel, be given delegated authority to enter into an Agreement of Purchase and Sale to acquire the Hydro One corridor crossings for the future municipal right-of-way;

**AND THAT** the Mayor and Town Clerk be authorized to execute any agreements and any and all ancillary documents that may be required in relation to the Hydro One corridor crossings for the future municipal right-of-way.

## EXECUTIVE SUMMARY

On March 25, 2024, Town Council approved an official plan amendment and zoning by-law amendment for the Halton Business Community - East Subdivision (HBC East lands) by Orlando Corporation. The industrial plan of subdivision includes one access from Boston Church Road and two accesses from James Snow Parkway that cross the Hydro One corridor (Hydro One corridor crossings).

Hydro One Networks Inc. has provided conditional approval of the Hydro One corridor crossings, subject to a number of conditions, one of which includes a requirement that the crossings be designated as a public road allowance. In order to fulfill this requirement, the Hydro One corridor crossings are to be acquired by the Town of Milton, at the cost of Orlando Corporation, and will eventually form a public road.

## **EXECUTIVE SUMMARY**

The Commissioner of Development Services has delegated approval authority for property acquisition agreements, however this authority is limited to capital projects. As such, Town staff are requesting that Council provide delegated authority to the Commissioner of Development Services to approve the Agreement of Purchase and Sale and the associated Indemnity Agreement in order to facilitate the acquisition of the Hydro One corridor crossings that will form a future public road.

## **REPORT**

### **Background**

On March 25, 2024, Town Council approved an official plan amendment and zoning by-law amendment for the Halton Business Community - East subdivision (HBC East lands) by Orlando Corporation. The purpose of these amendments was to facilitate an industrial plan of subdivision. At the same meeting, Town Council supported the granting of draft plan approval for the associated draft plan of subdivision application (24T-21007/M). Through delegated authority, the Commissioner of Development Services granted Draft Plan Approval for the HBC East lands on October 7, 2024.

The draft plan of subdivision for the HBC East lands includes one access from Boston Church Road and two accesses from James Snow Parkway that cross over the Hydro One corridor (Hydro One corridor crossings). The Hydro One corridor crossings connect to Street A on the draft plan of subdivision and these parts will form a new public road owned by the Town of Milton. Figure 1 to this report includes the draft plan of subdivision that shows the Hydro One corridor road crossings and Street A on the HBC East lands.

Infrastructure Ontario (IO) and Hydro One Networks Inc. (HONI) administer the Provincial Secondary Land Use Program (PSLUP), which is a program that allows for use of the transmission corridor lands while taking into account the primary purpose of the land for electricity transmission and distribution. Public uses have priority consideration for secondary uses within the Hydro One corridor.

### **Discussion**

The Hydro One corridor crossings for the HBC East lands have been contemplated since the initial development applications were submitted by Orlando Corporation on November 4, 2021. To date, Orlando Corporation has completed all steps for the technical approval,



## Discussion

including IO's required archaeological and environmental assessment, to the satisfaction of HONI and IO.

In HONI's latest letter issued on May 30, 2024, HONI indicated that the technical review of the Hydro One corridor crossings was complete and granted Orlando Corporation with a conditional approval, subject to site-specific conditions as well as the standard Hydro One Conditions for Secondary Land Uses. HONI's conditional approval requires that the Hydro One corridor crossings be designated as public road allowance. In order for the crossings to be designated as a public road allowance, the lands need to be acquired by a public authority. The sale of the Hydro One corridor crossings can only be to a public authority and not to a private landowner.

In anticipation of the sale of the Hydro One corridor crossings, Orlando Corporation prepared a Reference Plan (20R-22654) that delineates the parts to be included in a land sale. The parts include the road, grading buffers and a soakaway pit (stormwater infrastructure) required to capture drainage from the road. Staff from the Town and HONI reviewed the Reference Plan and confirmed its accuracy prior to the applicant depositing the Reference Plan with the Land Registry Office.

In accordance with IO's Appraisal Terms of Reference, Orlando Corporation obtained an appraisal for the parts on the Reference Plan in order to determine the market value of the Hydro One corridor crossings. The IO accepted an adjusted land valuation of \$2,800,000/acre and the total cost to acquire the Hydro One corridor crossings is \$5,155,500, the cost of which is to be covered by Orlando Corporation.

The Town's Legal Counsel at O'Connor MacLeod Hanna LLP has reviewed and provided comments to HONI on the draft Agreement of Purchase and Sale as well as on an associated Indemnity Agreement between the Town of Milton and Orlando Corporation. The Town's Legal Counsel is finalizing updates to the aforementioned documents and it is anticipated that these will be complete in the near future.

The Town's Delegation of Authority By-law 071-2016, as amended (Delegation By-law), delegates various authorities to staff. Section 5 of the Delegation By-law delegates the Commissioner of Development Services with authority to approve property acquisition agreements, however this authority is limited to capital projects. This means that the Commissioner of Development Services does not have the authority to approve the land acquisition of the Hydro One corridor crossings or any additional associated agreements.

